

10-15-04

IFW \$



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/848,755	05/18/2004	Mao Mao	9301-196-999

20583
 JONES DAY
 222 EAST 41ST ST
 NEW YORK, NY 10017



CONFIRMATION NO. 5764

FORMALITIES LETTER



OC000000013550394

Date Mailed: 08/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

10/18/2004 LW0NDIM1 00000055 503013 10848755
 01 FC:1051 130.00 DA

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Phuong Bui
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Express Mail No.: ED 320 712 065 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mao Mao

Confirmation No.: 5764

Serial No.: 10/848,755

Art Unit: 1646

Filed: May 18, 2004

Examiner: To be assigned

For: HUMAN DIAPHANOUS-3 GENE
AND METHODS OF USE
THEREFOR

Attorney Docket No: 9301-196-999
(CAM: 301891-999188)

RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed August 16, 2004, in connection with the above-identified application, Applicants submit herewith: (1) a copy of the Notice; (2) a Declaration executed by the inventor Mao Mao on October 6, 2004; (3) a Power of Attorney by Assignee executed by Alan B. Sachs on behalf of Rosetta Inpharmatics LLC, with attached assignment to Rosetta Inpharmatics LLC; and (4) a substitute computer-readable form of the Sequence Listing.

I hereby state that the content of the substitute computer-readable form of the Sequence Listing is identical to the originally-filed paper copy of the Sequence Listing, and that no new matter has been added.

Pursuant to 37 C.F.R. §1.16(e), the surcharge required for filing of the Declaration is believed to be \$130.00. Please charge the required fee to Jones Day Deposit Account No. 503013, along with any deficiencies in fees due. A duplicate copy of this sheet is enclosed.

Date October 14, 2004

Respectfully submitted,

By: *Adriane M. Antler* Reg. No. 49,220
Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 901-9028

Enclosures